Claims 1, 4, and 23-25 are allowed. Claim 26 is objected to. Claims 7, 10, and 13 stand rejected under 35 U.S.C. § 112, first paragraph, for an alleged failure to provide an enabling description. Specifically, the Examiner alleges that:

> [T]he specification, while being enabling for an in vitro method of inhibiting apoptosis of a cell, ...does not reasonably provide enablement for other embodiments for the reasons of record....
>
> While the claim 10 as amended recites a method of decreasing the rejection of transplanted cells compared to previously recited method of decreasing the rejection of cells in a patient, the amendment does not obviate the rejection set forth in the previous office action of 1-2-02 since the method is interpreted as a method of treatment wherein cells are transplanted in a patient, the rejection of the cells is decreased, and the cells treat the disease such as degenerative disease or an immunodeficiency disease....[T]he specification is not enabling for the claimed invention because the mouse model disclosed in the specification is not an art recognized model of cell or tissue transplantation and rejection.

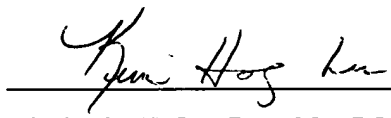
Claim 7 has been cancelled. Although Applicant believes that the specification fully enables a method of decreasing rejection of transplanted cells, solely to advance the prosecution of the instant application, Applicant has amended claim 10 to recite a method of inhibiting apoptosis, which is consistent with the allowed claims. Applicant has also added claims 27 and 28. Support can be found in Examples 7-9. Specifically, cells introduced into an immunocompetent host are usually destroyed by immune killer cells of the host. Examples 7 and 8 show that the RID complex can inhibit apoptosis. Example 9 describes introduction of the 231-10 vector (described on p. 5, lines 25-29 and p. 28, lines 5-11 as having the RID complex) into a human cancer cell line, such as A549. The cell is then introduced into a murine host. While a small mass grew in the mouse that received uninfected A549, large tumors grew in the mice that received A549 infected with 231-10. Thus, the specification teaches, among other things, working examples of a method of inhibiting apoptosis in a cell, such as a human cancer cell, which is introduced into a host, such as a mouse.

Applicant submits that the claims are fully enabled and respectfully requests that the Examiner reconsider and withdraw his rejection under 35 U.S.C. § 112, first paragraph.

CONCLUSION

Applicant believes that he has overcome or obviated all of the Examiner's rejections. Applicant submits that the pending claims are in proper form for allowance and respectfully request that such allowance be granted.

Respectfully submitted,



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MARKED-UP VERSION OF AMENDED CLAIMS

10. (Five times amended) A method for [decreasing the rejection of transplanted cells] inhibiting apoptosis in a cell comprising contacting the [cells ex vivo] cell with a recombinant adenovirus comprising a polynucleotide encoding a RIDα-S polypeptide, a RIDα-L polypeptide and a RIDβ polypeptide, as disclosed in SEQ ID NO:1, SEQ ID NO:2 and SEQ ID NO:4, wherein (a) the polynucleotide is operably linked to a cytomegalovirus ("CMV") promoter, (b) the adenovirus enters the cell and delivers the polynucleotide to the cell, (c) the RIDα-S polypeptide, RIDα-L polypeptide and RIDβ polypeptide are expressed in the cell in an amount sufficient to inhibit apoptosis of the cell, (d) the cell expresses Fas, DR3, TRAIL-R1, or TRAIL-R2, and (e) the adenovirus lacks at least one functional E1 gene and [(f) the rejection is mediated by Fas receptor activity] , wherein said cell is introduced into a host.

26. (Amended) The method of claim 13 wherein the [transplanted cells are in] host is a mouse.